



U.S. Department of Justice

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April 23, 2013

VIA ECF & E-MAIL

The Honorable Jeffrey J. Keyes
United States Magistrate Judge
316 N. Robert Street, Suite 646
St. Paul, MN 55101

Re: American Institute of Physics v. Schwegman
Civil No. 12-528 (RHK/JJK)

Dear Magistrate Judge Keyes:

At the suggestion and with the permission of Brian Pousson of your staff, and on behalf of Intervening Defendant United States Patent and Trademark Office (“USPTO”), we write to request a brief one day extension of time or to April 24, 2013, to file the papers in opposition to Plaintiffs’ Motion to Compel Further Discovery from the United States Patent and Trademark Office.

Plaintiffs filed their motion to compel on April 16, 2013, our opposition is due today, April 23, and the hearing thereon is scheduled for April 30, 2013.

We have contacted Plaintiffs’ counsel, William Dunnegan, and he does not object to this request.

Good cause exists for this one day extension for at least two reasons. First, review of the deliberative process materials at issue in the motion has taken longer than expected.

Second, lead counsel for the USPTO, John Fargo of the Department of Justice in Washington, D.C., has been somewhat indisposed due to his recovery from an intestinal blockage that required hospitalization from April 13–15, 2013 (immediately prior to the

filing of the motion to compel) and out-patient treatment on his knee on April 22, 2013 which required him to be out of the office yesterday.

For these reasons, the USPTO respectfully requests a one day extension of time to April 24, 2013 within which to file its papers in opposition to the motion to compel.

Respectfully submitted,

B. TODD JONES
United States Attorney

s/ Friedrich A.P. Siekert

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